

FMLCrR 3.2
RELEASE OF ACCUSED

(D) Delay of Release. (1) Bail shall not be set for a person arrested and booked into jail for violation of RCW 46.61.502, 503, 504, or RCW 46.25.110 unless set by a judge telephonically at the time of arrest or at a preliminary appearance, arraignment, or subsequent court appearance. A person arrested and released for a violation of RCW 46.61.502, 503, 504, or RCW 46.25.110 shall be required to appear before a judge pursuant to RCW 46.61.5051 the next judicial day following the arrest. Appearances are mandatory and may not be waived by the appearance of an attorney. . . (4) Bail shall not be set for a person arrested and booked into jail for a domestic violence offense unless set by a judge telephonically at the time of arrest or at a preliminary appearance, arraignment, or subsequent court appearance. In matters where a person is arrested and released for a domestic violence offense prior to appearing before a judge for arraignment, bail hearing, or any other hearing where conditions of release may be set; there shall be a No Contact Order imposed as a condition of release from custody prohibiting the arrested person from having any contact with the alleged victim involved in the incident and from having any contact with the alleged victim's residence, place of employment, or any other place where the alleged victim may be found or believed to be. Said No Contact Order shall remain effective until the next judicial day when the arrested, cited, and released person shall be required to appear before a judge OR fourteen (14) days if the arrested person is released, but not cited. Appearances are mandatory and may not be waived by the appearance of an attorney. "Domestic Violence" includes, but is not limited to, any misdemeanor or gross misdemeanor offenses listed in RCW 10.99.020(3) or similar municipal ordinance when committed by one family or household member against another. "Family or household members" are those persons listed in RCW 10.99.020(1) or similar municipal ordinance. . . (5) Bail as set forth in this Rule or any similar rule or order shall be available to those accused that have provided sufficient information to establish a positive and verifiable identity and home address. Absent such information, no bail may be accepted until established by the Court.

(K) Forfeiture. No forfeiture of bail shall be allowed except in those matters designated herein as forfeitable offenses. Provided, that in extraordinary cases the Court shall have discretion to permit forfeiture for offenses designated as nonforfeitable. In any such case, the prosecuting authority shall be permitted an opportunity to resist such forfeiture, if desired. The Court may at any time, for good cause shown, order a mandatory hearing for violations designated as forfeitable offenses.

(M) Bail. When required to reasonably assure appearance in court, the Court shall follow the bail schedule set forth in the Fife Municipal Court Uniform Bail Schedule, as may be amended, modified, and filed periodically by the Court for use by the Fife Police Department.

[Adopted effective September 1, 2002; amended effective September 1, 2006]
